**THE HON'BLE SRI JUSTICE**
**L. NARASIMHA REDDY**

**W.P.No. 9233 of 2007**

Dated: 03-07-2007

Between:

Nimmala Manikyala Rao

…Petitioner

And

The District Co-operative Officer/Joint Registrar,
West Godavari district, Eluru and two others.

Respondents

THE HON'BLE SRI JUSTICE
L. NARASIMHA REDDY

W.P.No. 9233 of 2007

ORAL ORDER:

The petitioner is functioning as a President of Adavikolanu L.S.C.S., Adavikolanu, Nidamarru Mandal, West Godavari district. He was issued a notice under Section 21-A and Section 21-AA of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act'). The petitioner was required to explain as to why he should not be disqualified from the membership of the Managing Committee of the Adavikolanu LSCS. Detailed reference is made to a report submitted by an inquiry officer appointed under Section 51 of the Act. The petitioner

challenges the notice on several grounds.

It is alleged that on an earlier occasion the second respondent had passed orders dated 14-08-2006 superceding the Committee and the same is the subject matter of an appeal. It is mentioned that the operation of the order of superscession was stayed by this Court through its order in W.P.No. 19949 of 2006 dated 23-11-2006. The petitioner contends that the second respondent is restoring to vindictive action.

On behalf of the respondents a counter affidavit is filed. The circumstances under which notice impugned was issued are stated. The allegation of the petitioner is that the report submitted by the inquiry officer appointed under Section 51 of the Act does not relate to the allegation made against him, is denied. It is pleaded that the facts mentioned in the impugned notice are independent of the report.

Heard the learned counsel for the petitioner and the learned Government Pleader for Co-operation.

The petitioner challenges a show cause notice issued to him by the second respondent. It is not alleged that the second respondent is not vested with the power to issue a show cause notice or to initiate action under the provisions referred to in it. The petitioner can certainly put forward of his contentions as to lack of basis or merits in the allegations made against him by submitting a reply or explanation. There is no reason to apprehend that the

second respondent would not take into account the explanation that may be submitted by the petitioner. A statutory authority is supposed to act within the four corners of law and whims and fancies cannot constitute any basis. At any rate, the order which the second respondent may pass is not going to be the last word.

Hence, the writ petition is disposed of leaving it open to the petitioner to submit his explanation within fifteen (15) days from today. The second respondent shall take the same into account and pass appropriate orders. No costs.

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L. NARASIMHA
REDDY, J

Dated: 03-07-2007
pvks

Nb:- Office to furnish c.c. in three days.
B/o pvks/*